

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-57	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	<b>Contact person(s):</b>			
	<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
	Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	<b>Title of rule or section (catchline):</b>
	Respiratory Care Practices Act Rules
3.	<b>Type of notice:</b>
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____
4.	<b>Purpose of the rule or reason for the change:</b>
	The Division and Respiratory Care Licensing Board are proposing these amendments to clarify statute amendments that were made during the 2006 General Session of the Legislature in HB 262.
5.	<b>This change is a response to comments from the Administrative Rules Review Committee.</b>
	Yes ____; No XX
6.	<b>Summary of the rule change:</b>
	Throughout the rule, amendments are being proposed to change the rule from plural to singular. Section 102-Definitions: added a definition for "other respiratory related durable medical equipment intended for use in the home". Section 303-Renewal Cycle/Procedures: Updated a rule citation and added where renewal procedures are found in R156-1.
7.	<b>Aggregate anticipated cost or savings to:</b>
	<b>A) State budget:</b>
	The Division will incur minimal costs of approximately \$75 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
	<b>B) Local government:</b>

	Proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated. Proposed amendments only apply to potential licensees and licensees as a respiratory care practitioner.														
	<b>C) Other persons:</b>														
	Proposed amendments only apply to applicants for licensure as a respiratory care practitioner and licensed respiratory care practitioners. The Division anticipates no costs or savings with these amendments as the amendments are only providing a clarification of requirements contained in the governing statute.														
<b>8.</b>	<b>Compliance costs for affected persons</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency): Proposed amendments only apply to applicants for licensure as a respiratory care practitioner and licensed respiratory care practitioners. The Division anticipates no costs or savings with these amendments as the amendments are only providing a clarification of requirements contained in the governing statute.														
<b>9.</b>	<b>Comments by the department head on the fiscal impact the rule may have on businesses:</b> This rule filing provides a definition required by statute and make minor technical changes to the rule. No fiscal impact to business is anticipated. Francine A. Giani, Executive Director														
<b>10.</b>	<b>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</b> <b>State code or constitution citations (required):</b> Section 58-57-1 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)														
<b>11.</b>	<b>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):  														
<b>12.</b>	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.) <b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b> 02/14/2007 <b>B) A public hearing (optional) will be held:</b> <table border="1" style="width:100%"> <tr> <td><b>on (mm/dd/yyyy):</b></td><td><b>at (time):</b></td><td><b>At (place):</b></td></tr> <tr> <td>01/23/2007</td><td>10:30 am</td><td>160 East 300 South - Conference Room 402 (4th floor) - Salt Lake City, Utah</td></tr> <tr> <td> </td><td> </td><td> </td></tr> <tr> <td> </td><td> </td><td> </td></tr> </table>			<b>on (mm/dd/yyyy):</b>	<b>at (time):</b>	<b>At (place):</b>	01/23/2007	10:30 am	160 East 300 South - Conference Room 402 (4th floor) - Salt Lake City, Utah						
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<b>13.</b>	<b>This rule change may become effective on (mm/dd/yyyy):</b> 02/22/2007 NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.														
<b>14.</b>	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")): <table border="1" style="width:100%"> <tr> <td>licensing</td><td>respiratory care</td></tr> <tr> <td> </td><td> </td></tr> </table>			licensing	respiratory care										
licensing	respiratory care														
<b>15.</b>	<b>Attach an RTF document containing the text of this rule change (filename):</b> R156-57.pro														
<b>To the agency:</b> Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.															

## AGENCY AUTHORIZATION

Agency head or designee, and title:	J. Craig Jackson, Director	Date (mm/dd/yyyy):	12/18/2006
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ProposedRule.doc 9/26/2003

**R156. Commerce, Occupational and Professional Licensing.**

**R156-57. Respiratory Care Practices Act Rule[s].**

**R156-57-101. Title.**

Th[ese] is rule[s] [are] is known as the "Respiratory Care Practices Act Rule[s]".

**R156-57-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 57, as used in Title 58, Chapters 1 and 57, or th[ese] is rule[s]:

(1) "Other respiratory related durable medical equipment intended for use in the home", as used in Subsection 58-57-2(6)(k), means other new respiratory care technology intended for use in the home that was not approved on the market as of September 2006.

(2) "Supervised" as used in Subsection 58-1-307(1)(b) or "supervising" as used in Subsection 58-57-2(4)(e) means that the licensed respiratory care practitioner is present in the facility and shall be available to see the patient and give immediate consultation with respect to care.

**R156-57-103. Authority - Purpose.**

Th[ese] is rule[s] [are] is adopted by the division under the authority of Subsection 58-1-106(1) (a) to enable the division to administer Title 58, Chapter 57.

**R156-57-303. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 57 is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

**KEY: licensing, respiratory care[\*]**

**Date of Enactment or Last Substantive Amendment: [May 2, 2000] 2007**

**Notice of Continuation: October 30, 2006**

**Authorizing, and Implemented or Interpreted Law: 58-57-1; 58-1-106(1) (a); 58-1-202(1) (a)**